#### **MINUTES**

### OF THE

#### NORTH CAROLINA ALARM SYSTEMS LICENSING BOARD

DATE: September 18, 2009

TIME: 9:00 am

PLACE: Holiday Inn

Raleigh, North Carolina

SUBMITTED BY: Terry Wright

Director

MEMBERS PRESENT: MEMBERS ABSENT:

Brad Smith Richard Lee

Doc Hoggard Mack Donaldson Courtney Brown Larry McClellan

STAFF PRESENT:

Director Terry Wright Board Secretary Nan Williams

Deputy Director Anthony Bonapart Investigator Phillip Stephenson

Attorney Charles McDarris

VISITORS:

Michael RobersonPat ThompsonJohn ThompsonDan LehmanForrest EmersonJackie VereenRobert Hambrick IIICourtney BrownHarland Brent SaundersJames M. Smith

The Screening Committee was reconvened at 8:45 am on September 18, 2009 by Mr. Hoggard in regard to the application for a license for Mr. Michael Bryan Roberson. After discussion by the Board and by Mr. Roberson, the following motion was made:

MR. HOGGARD MADE A MOTION TO APPROVE HIS APPLICATION WITH CONDITION MR. ROBERSON ENTER INTO AND PAY A CONSENT AGREEMENT IN THE AMOUNT OF \$2856.00 FOR UNLICENSED ACTIVITY BEFORE ISSUANCE OF LICENSE. SECONDED BY MR. SMITH. MOTION CARRIED.

MR. DONALDSON MADE A MOTION TO ADJOURN. SECONDED BY MR. SMITH. MOTION CARRIED.

Screening Committee Adjourned: 8:50 am

#### CALL TO ORDER

9:00 am The September 18, 2009 meeting of the North Carolina Alarm Systems Licensing Board was called to order by Chairman Smith.

In accordance with the State Ethics Law, Attorney Charles McDarris read the following information. "It is the duty of every Board member to avoid both conflicts of interest and appearances of conflict. If any member has any known conflict of interest or appearance of conflict with respect to any matters coming to this Board today, please identify the conflict or appearance of conflict and refrain from any deliberation and vote in that particular matter."

Mr. Smith welcome guests and new Board Member, Mr. Larry McClellan as an industry member.
MR. BROWN MADE A MOTION TO APPROVE THE MINUTES OF THE JULY 17, 2009
BOARD MEETING. SECONDED BY MR. HOGGARD. MOTION CARRIED.

Mr. Hoggard reported the results of the Screening Committee. See attached Screening Committee Report.

MR. BROWN MADE A MOTION TO APPROVE THE SCREENING COMMITTEE REPORT AS PRESENTED. SECONDED BY MR. DONALDSON. MOTION CARRIED.

MR. HOGGARD MADE A MOTION TO APPROVE THE REGISTRATION REPORT AS

#### PRESENTED. SECONDED BY MR. BROWN. MOTION CARRIED.

Mr. Hoggard reported that he, Mr. McClellan and Mr. Brown met as the Grievance Committee on September 17, 2009 from 1:00 pm to 3:30 pm. The following individuals were present: Mr. Stephen Wheeler, Mr. Duncan Hubbard, Mr. Michael Littleton, Mr. Thomas Caune, Mr. Michael Roberson, and Ms. Mary Boyles.

It was noted that Mr. Brown recused himself from hearing 2009-ASL-012 and Mr. McClellan recused himself from hearing 2009-ASL-025.

## MR. HOGGARD MADE A MOTION TO APPROVE THE GRIEVANCE COMMITTEE REPORT AS PRESENTED. SECONDED BY MR. DONALDSON. MOTION CARRIED.

#### SPECIAL REPORTS AND PRESENTATIONS

Mr. Smith presented the Continuing Education Sub-committee report.

- 1. FAI30CP (ASLB-05-189) The committee recommends renewal of this course with 2 CEU's.
- 2. Optiflex (ASLB-05-192) The committee recommends renewal of this course with 2 CEU's.
- 3. IP Downloading (ASLB-05-193) The committee recommends renewal of this course with 2 CEU's.

The following courses have been rejected for submission as they do not apply to ASLB regulated activity:

Structured Wiring and Termination Technician

Physical Security Network Associate Course I Basic Networking

Physical Security Network Associate Course 3 Operating Systems

Physical Security Network Associate Course 4 Integration

Physical Security Network Associate Course 5 Roles in the Convergence Market

NICET Level I Courses:

Basic Individual Safety

First Aid Procedures

Fire Warning Equipment for Dwelling Units

**Basic Physical Science** 

Plans, Specifications and Controls

Metric Units and Conversion

**Basic Communications Skills** 

**Installation Practices** 

**Basic Mathematics** 

**Basic Working Drawings** 

**Basic Electricity** 

Periodic Tests

**Devices and Components** 

**Basic Wiring** 

Basic Fire Alarm Systems and NFPA Standards

The committee recommends approval for the following courses for the indicated number of CEU's:

- 4. CCTV Course 1 Video Design Theory The committee recommends approval for 1 CEU.
- 5. CCTV Course 2 System Overview The committee recommends approval for 2 CEU's.
- 6. CCTV Course 3 Cameras The committee recommends approval for 2 CEU's.
- 7. CCTV Course 4 Lighting The committee recommends approval for 2 CEU's.
- 8. CCTV Course 5 Lenses The committee recommends approval for 2 CEU's.
- 9. CCTV Course 6 Transmission The committee recommends approval for 2 CEU's.
- 10. CCTV Course 7 Monitoring The committee recommends approval for 1 CEU.
- 11. CCTV Course 8 Pan/Tilts and Domes The committee recommends approval for 1 CEU.
- 12. CCTV Course 9 Switches and Quads The committee recommends approval for 1 CEU.
- 13. CCTV Course 10 Multiplexers & Matrix The committee recommends approval for 1 CEU,
- 14. CCTV Course 11 Digital Management Systems The committee recommends approval for 2 CEU's.
- 15. CCTV Course 12 Recorders The committee recommends approval for 1 CEU.
- 16. CCTV Course 13 Site Assessment The committee recommends approval for 1 CEU.
- 17. CCTV Course 14 Legal The committee recommends approval for 1 CEU.
- 18. Physical Security Network Associate Course 2 Video Over IP The committee recommends approval for 2 CEU's.
- 19. A & B Labeling Essentials: Residential, Commercial & IP Networking Security Applications The committee recommends denial of this course because the committee feels this course goes beyond the scope of NCGS 74-D. This course's main focus is on Labeling Systems and the committee feels approving this course would not be appropriate.

The following courses from Elite CEU have been rejected for submission as they do not apply to ASLB regulated activity:

- 20. Client Relations
- 21. Professional Management
- 22. Powering and Alarm System
- 23. Burglar Alarm Industry Statistics
- 24. Alarm Industry Research
- 25. Proper Wiring Techniques
- 26. Perimeter and Interior Detectors
- 27. Troubleshooting an Alarm System
- 28. Alarm Communications

Mr. Smith also stated that in the future for online courses, the committee needs to take the online course and see what it is about before approving the courses. The companies need to provide logins with their course applications so the committee can go online and take the test.

Mr. McDarris and Mr. Smith will meet and discuss course procedures and try and implement a rule like the PPS Board.

MR. BROWN MADE A MOTION TO APPROVE THE COURSES AS PRESENTED. SECONDED BY MR. DONALDSON. MOTION CARRIED.

#### **UNFINISHED BUSINESS**

Mr. Hoggard stated that the process of appointing new members is slow and wants attendance requirements for the Board, for example, setting up By-Laws for the Board.

MR. HOGGARD MADE A MOTION FOR THE ATTORNEY TO WORK ON DRAFTING BY-LAWS FOR ATTENDANCE BY BOARD MEMBERS AND ANY OTHER REQUIREMENTS HE FEELS NECESSARY FOR THE BOARD TO HAVE. SECONDED BY MR. BROWN. MOTION CARRIED.

Mr. Hoggard stated that the matter of funds taken from the Highway Trust Fund is in the Court of Appeals and the Boards funds were also taken. Mr. McDarris stated he would track this after it goes to the Supreme Court.

#### NEW BUSINESS

Mr. Forrest M. Emerson, General Counsel for Comporium Security and Mr. Dan Lehman, General Manager for Comporium addressed the Board in regard to having more branches using the same dba name as Comporium Security. These would be separate companies from the parent company but using the name Comporium Security. After discussion by the Board, Mr. McDarris recommended that the staff and himself get together next week and discuss the issues and then contact Mr. Emerson with the staff's recommendations.

BREAK: 10:30 am RECONVENED: 10:45 am

Investigator Phillip Stephenson gave a report on further investigations for Monitronics, SAI, and King Central Monitoring Services to see if they were conducting business in this state illegally. Mr. Stephenson stated Monitronics is only monitoring accounts in this state and that there is not any other information to be found in regard to SAI or King Central Monitoring Services.

### DIRECTOR'S REPORT

Mr. Wright presented the written report and advised that as of August 1, 2009, the combined budget balance was \$410,160.14. The Alarm Recovery Fund balance was \$36,148.52. As of September 14, 2009, the Board has 885 licensees and 4114 registrants.

Mr. Wright stated that an applicant, Rebecca McIntosh, was approved for a license at the last meeting with a condition she enter into and pay a consent agreement and also pass the NC Board of Examiners of Electrical Contractor's Low Voltage Exam or employ an individual with an NC Electrical Contractor's License. The applicant took the electrical exam and did not pass it and she cannot retake the exam until six months and is asking for an exception to the Board's ruling.

MR. SMITH MADE A MOTION TO DENYTHE REQUEST OF MS. MCINTOSHBECAUSE SHE HAS AN ALTERNATE SOLUTION BY HIRING AN EMPLOYEE FULL TIME WITH AN NC ELECTRICAL CONTRACTOR'S LICENSE. SECONDED BY MR. HOGGARD. MOTION CARRIED.

#### ATTORNEY'S REPORT

Mr. McDarris reported the following consent agreements:

- 1. AFA Southeast Inc/Corneilus K. Williams Consent Agreement in the amount of \$612.00 has been executed and paid.
- 2. Allison-Smith Co/Lanny S. Thomas Consent Agreement in the amount of \$1428.00 has been executed and paid.
- 3. Protection One Alarm Monitoring Inc./John P. Clifford Consent Agreement in the amount of \$2,448.00 has been paid.
- 4. Piedmont Protective Services/William T. Wrenn Consent Agreement in the amount of \$4569.60 has not been paid.
- 5. Computer Knowledge of NC,LLC/Rebecca L. McIntosh Consent Agreement in the amount of \$2,856.00 has not been paid.
- 6. Alltech Systems Company Inc/Keith A. Greene Consent Agreement in the amount of \$3,712.80 has not been paid.

The Board was given a hearing list of upcoming Office of Administrative Hearings.

#### RULES

- 1. 12 NCAC 11 .0206 Employment Security Commission rule was adopted by the Rules Review Commission. This rule allows the staff access to electronic ESC reports.
- 2. 12 NCAC 11 .0203 and .0302 Proposed Fee increases have been filed with the Office of Administrative Hearings. The fees may be considered for amendment.

### MR HOGGARD MADE A MOTION TO HAVE THE ATTORNEY PROCEED WITH RULES REVIEW IN THESE TWO RULES. SECONDED BY MR. BROWN. MOTION CARRIED.

The matter of AlarmForce and Qualifying Agent Homer Weaver was presented to the Board in regard to the draft settlement agreement.

### MR. HOGGARD MADE A MOTION TO GO INTO CLOSE SESSION. SECONDED BY MR. BROWN. MOTION CARRIED.

CLOSED SESSION: 11:15 am RECONVENED: 11:30 am

Mr. McDarris gave the Board copies of the changes to the settlement agreement. After discussion, Mr. Smithstated that the Board needs more time to review this agreement and would like to continue the matter until the next meeting.

# MR. HOGGARD MADE A MOTION TO CONTINUE THIS MATTER TO THE NEXT MEETING AND ALSO TO HAVE MR. HOMER WEAVER ATTEND THE MEETING. SECONDED BY MR. BROWN. MOTION CARRIED.

Mr. McDarris stated that Senate Bill 1073 was adopted by the General Assembly and will become effective October 1, 2009. A memorandum will be sent out next week with all of the changes to 74D.

Mr. McDarris explained about a possible bid for a 3<sup>rd</sup> party vendor to supply criminal record checks. Mr. McDarris presented a rough proposal draft. If someone lived in North Carolina all of their life, then they can obtain a criminal record check from the approved AOC list. If someone lives out of state in the last two years, then the process for a 3<sup>rd</sup> party vendor can be accepted. The Board is only approving the vendor. The costs for the criminal history checks depends on each state.

# MR. SMITH MADE A MOTION FOR THE ATTORNEY TO MOVE FORWARD WITH THE PROPOSAL FOR THE 3<sup>RD</sup> PARTY VENDOR. SECONDED BY MR. HOGGARD. MOTION CARRIED.

Mr. McDarris reported that there are possible amendments to Office of Administrative Hearings Rules to require an appeal fee to be charged to Petitioners.

MR. BROWN MADE A MOTION FOR THE ATTORNEY TO ATTEND THE COMMENT HEARING ON OCTOBER 14, 2009 WITH THE BOARD'S CONCERNS. SECONDED BY MR. SMITH. MOTION CARRIED.

BREAK: 11:50 am

RECONVENED: 12:00 noon

Mr. McDarris reported on House Bill 1411 in regard to directing occupational licensing boards to adopt rules to postpone or waive conditions or licensure for certain individuals serving in the armed forces.

## MR. HOGGARD MADE A MOTION TO HAVE THE ATTORNEY DRAFT A RULE AND SUBMIT THE DRAFT ATTHENEXT MEETING. SECONDED BY MR. SMITH. MOTION CARRIED.

Mr. McDarris reported on possible rule amendments by staff that would require use of name tags for all employees of a company and possibly limiting on the use of shirts with associate company names displayed that would prohibit using another company name on the tags.

# MR. BROWN MADE A MOTION TO HAVE THE ATTORNEY PROCEED WITH THE PROPOSED RULE THAT EMPLOYEES MUST USE NAME TAGS AND PROHIBITS THE COMPANY NAME. SECONDED BY MR. DONALDSON. MOTION CARRIED.

Mr. McDarris stated he met with personnel from the SBI about the fingerprint card process. The SBI stated that this Board and the PPS Board has the highest rejection rate. The SBI suggested using live scan only and not roll prints. This would eliminate a lot of duplications. Mr. McDarris would like for the staff to consider live scan and not use the fingerprint cards.

## MR. HOGGARD MADE A MOTION TO HAVE THE ATTORNEY AND STAFF RESEARCH THIS PROCESS AND CHECK OUT THE COSTS FOR THIS PROCESS. SECONDED BY MR. BROWN. MOTION CARRIED.

Mr. Brown stated it is a privilege to serve this Board and has had some personal issues and thanked the Board for their understanding.

#### GOOD OF THE ORDER

Mr. Stephen Wheeler wants to know what needs to be done to fix the backlog of registrations from being so far behind. Mr. Wheeler feels going to the legislature with changes in the registration process would help. He would like for the staff to suggest what they need to have a better process with registration.

Mr. Hoggard thanked the staff for their hard work.

Mr. McClellan thanked the Board and glad to serve on the Board.

### MR. SMITH MADE A MOTION TO ADJOURN. SECONDED BY MR. BROWN. MOTION CARRIED.

Meeting Adjourned:	12:25 pm		
		Terry Wright Director	
		Nan Williams Reporter	